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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,175	11/15/2000	Yusuke Itaba	400925	5910

23548 7590 08/25/2004

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EXAMINER

SAID, MANSOUR M

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/712,175	Applicant(s) ITABA ET AL.	
	Examiner MANSOUR M SAID	Art Unit 2673	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: please see the attached paper.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-17.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Response to Amendment

This Office Action is in response to the after final amendment filed on June 25, 2004.

On page 2, Applicant argued that “Fukuda fails to teach a managing means for outputting processing request that request the execution of a monitoring process, where the processing requests are output at output periods that different for respective windows”.

However, Examiner respectfully disagrees for the following reasons, Fukuda fairly disclosed the claimed limitation such as “managing means” (window management section, (figure 1, (3)) for outputting processing request that requests the execution of a monitoring process (figures 3 & 6-7; column 4, lines 1-18 and column 5, lines 15-67).

Applicant argued that “claim 1 is now rejected as anticipated by Fukuda, not as obvious over Fukuda in view of Ho then the rejection has improperly been made final because no claims were amended in response to the first Office Action.

However, Examiner respectfully disagrees, claim 1 was rejected anticipated by Fukuda, therefore, the final rejection is proper.

Applicant argued with respect claim 1, Fukuda failed to disclose “the processing requests are output periodically at output periods ”.

The term such as periodically is not in the claim 1, however, Fukuda fairly teaches “the processing requests are output at output periods that are different for respective windows (figures 3 & 6-7, column 1, lines 5-12; column 4, lines 1-18 and column 5, lines 25-33).

On page 2, Applicant argued, “the Office Action is not responsive to Applicants’ arguments with respect to claim 1.

On page 2, Applicant argued that the overlapping state is not detected according to a periodic request.

The claimed limitation such as detected according to a periodic request is not in claim 1.

However, Fukuda fairly teaches “the processing requests are output at output periods that are different for respective windows (figures 3 & 6-7, column 1, lines 5-12; column 4, lines 1-18 and column 5, lines 25-33).

On page 2, Applicant argued that the Official Action failed to rebut the contention that the processing requests of Fukuda are output in response to the addition of a new window, not output period.

However, Examiner respectfully disagrees, Fukuda fairly teaches the claimed limitation such as “output period” (figure 2, which is showing windows that are processing on different time (horizontal window and vertical window) (column 1, lines 5-11 and column 4, lines 20-30).

On page 3, Applicant argued that the overlapping state is not detection of the overlapping state of window is not performed at a different period for each respective window.

However, Fukuda fairly teaches window that are performed at a different period (figures 3 & 6-7, column 1, lines 5-12; column 4, lines 1-18 and column 5, lines 25-33).

On page 3, Applicant argued that Fukuda does not disclose outputting the processing to the windows.

However, Examiner respectfully disagrees with the following reasons; Fukuda fairly teaches outputting the process to the windows, for example, (figure 1) shows the process of the input and the outputting of the windows (figure 1 and column 3, lines 65-67 and column 4, lines 1-30).

On page 3, Applicant argued that the Office Action failed to rebut the contention that the processing results of Fukuda are not displayed in corresponding windows.

Examiner respectfully disagrees, the term window(s) is described by on page 509, by Microsoft Press Computer Dictionary 3rd Edition, as follow, **Window is** “In applications and graphical interfaces, a portion of the screen that can contain its own document or message ... In window-based programs, the screen can be divided into several windows”

Therefore, Fukuda fairly displayed in corresponding windows (figures 3 & 6-7, column 1, lines 5-12; column 4, lines 1-18 and column 5, lines 25-33).

On page 3, Applicant argued that Fukuda does not teach a timer of any king.

However, Fukuda fairly disclose a timer (control mean) (column 2, lines 55-60 and column 4, lines 51-57).

On page 4, Applicant argued that Fukuda fails to teach the calimed limitation in claim 8.

However, Fukuda fairly teaches the claimed limitation, an input means (input section, (figure 1, (1)) for specifying a portion of a window (figures 1-2; column 3, lines 55-67 and column 4, lines 1-29); wherein the managing means (window management section, (figure 1, (3)) outputs a processing request that requests execution by the programmable controller of a monitoring process relating only the portion of the window specified (figure 3, (column 3, lines 5-10; column 7, lines 30-45 and column 8, lines 1-33), and receives a processing result of the monitoring process of the programmable controller that relates only to the portion of the window specified based on the processing request (figures 1-2, 4, & 6-7, column 3, lines 55-67; column 4, lines 1-41; column 4, lines 51-57 and column 5, lines 15-67).


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On page 4, Applicant argued that the combination of Fukuda and Ho fail to teach or suggest all of the limitations of claims 9 and 11.

However, The combination of Fukuda and Ho fairly disclose the claimed limitations in claims 9 and 11, and therefore, all references should be taken in combination and not individually. The Applicant cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In re Keller USPQ 871 (CCPA 1981).

Mansour M. Said

10/11/04


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